



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 25, 2020

BY ECF

MEMO ENDORSED

The Honorable Taylor A. Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Michael Ackerman*, 20 Cr. 93 (TAS)

Dear Judge Swain:

The Government respectfully submits this letter to update the Court with respect to the status of this matter and to seek an adjournment of approximately thirty days of the arraignment and initial conference currently scheduled for 12:30 p.m. on March 31, 2020. As noted in detail in the Government's prior adjournment request (ECF No. 9), the Government also seeks exclusion of time from the speedy trial clock in an abundance of caution, though the Government believes that the speedy trial clock has not begun to run in this case, because the defendant has yet to appear in this district, and that time is automatically excluded from the speedy trial clock to the extent that the defendant is not currently physically capable of standing trial. In the alternative, the Government moves with the consent of defense counsel to exclude time from the speedy trial clock under 18 U.S.C. § 3161(h)(7)(A) because the ends of justice served by such exclusion outweigh the best interest of the public and the defendant in a speedy trial. Specifically, the exclusion would allow time for the defendant to be appointed counsel, and for counsel to confer with the Government and the Court regarding the defendant's current and future capacity to appear to stand trial in this matter and to discuss a pretrial disposition of this case.

THE APPLICATION IS GRANTED. THE CONFERENCE IS ADJOURNED TO MAY 7, 2020 AT 10:30 A.M. IN COURTROOM 17C. THE COURT FINDS PURSUANT TO 18 U.S.C. §3161(H)(7)(A) THAT THE ENDS OF JUSTICE SERVED BY AN EXCLUSION OF THE TIME FROM TODAY'S DATE THROUGH 5/7/2020 OUTWEIGH THE BEST INTERESTS OF THE PUBLIC AND THE DEFENDANT IN A SPEEDY TRIAL FOR THE REASONS STATED ABOVE. DE # 12 RESOLVED. SO ORDERED.

/s/ Laura Taylor Swain USDJ 3/26/2020

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: /s/
 Jessica Greenwood
 Assistant United States Attorney
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cc: All Counsel (by ECF)